

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:)	
)	
RUTH LOIS BRILEY)	Case No. 18-31108-KLP
)	Chapter 13
Debtor)	

**MOTION TO EXPEDITE HEARING ON MOTION
TO SELL REAL ESTATE AND TO SHORTEN NOTICE PERIOD**

COME NOW the Debtor, by counsel, and move this Court to Expedite the Hearing on his Motion to Sell Real Estate and to Shorten Notice Period, and in support thereof states as follows:

1. The Debtor filed this case under Chapter 13 of the U.S. Bankruptcy Code on March 06, 2018.
2. City of Richmond is a secured creditor which holds a tax lien on the property known as 816 Circlewood Dr., Richmond, VA 23224, more specifically known as

VIRVA 0200 PAGE 0165

That certain parcel of land formerly in Manchester Magisterial District, Chesterfield County, Virginia, now in the City of Richmond, commencing at a point on the west line of 59th Street 184.23 feet south of the monument marking the east end of the curve at the intersection of the south line of Hill Road and the west line of 59th Street, thence running southwardly along the west line of 59th Street and fronting thereon one hundred two (102) feet; thence S. 75° 44' 28" W. a distance of 187.52 feet to a point marked by an iron rod; thence N. 4° 11' W. a distance of 134.5 feet to an iron rod; thence N. 85° 49' E. one hundred eighty (180) feet to a point of beginning, said lot being further described as Lot No. 8 in Block C, Section C-4 of Woodstock, a plat of which is recorded in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia, in Plat Book 8, page 266.

BEING the same real estate which was conveyed to Jesse O. Mawyer, Jr., and Margaret J. Mawyer, his wife, by deed from Landon L. Taylor, et ux, dated September 22, 1961, and recorded September 28, 1961, in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia, in Deed Book 661, page 524.

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, VA 23219
(804) 225-9500 (phone)
(804) 225-9598 (fax)
Counsel for Debtor

(the "Property").

3. Although the Property has a tax assessed value of \$128,000.00, it is in severe disrepair. The Property has been vacant for nearly 2 years and the utilities have been cut off since then. The roof is damaged and the Property has incurred serious water damage.

4. Debtor has entered into a contract ("Contract") for the sale of the Property for \$55,000.00, which, upon closing of the same, will result in City of Richmond releasing its tax lien against the Property of approximately \$8,000.00. There is no mortgage on the Property.

5. The amount of the sale proceeds to be paid to the Chapter 13 Trustee is approximately \$17,000.00, which will result in full payment of all allowed claims, including a one hundred percent (100%) dividend to unsecured creditors.

6. On October 22, 2021, or as soon thereafter as may be practicable, Debtor intends to sell the Property in accordance with the terms of the Contract.

WHEREFORE, the Debtor respectfully requests that the Court expedite the hearing on the Motion to Sale of Real Estate, Shorten the Notice Period required for said Motion, and grant them such other and further relief as is just and proper.

Dated: October 18, 2021

RUTH LOIS BRILEY

By: /s/ James E. Kane
Counsel

James E. Kane (VSB #30081)
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Counsel for Debtor

CERTIFICATION

I, James E. Kane, pursuant to Local Rule 9013-1(N), do hereby certify that:

1. I have carefully examined the matter and concluded that there is a true need for an emergency hearing,
2. I have not created the emergency through any lack of due diligence.
3. I have made a *bona fide* effort to resolve the matter without hearing.

By: /s/ James E. Kane
James E. Kane

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2021, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties registered to receive notice thereof and will mail the same by first class mail, postage pre-paid, to the parties on the attached list.

/s/ James E. Kane
Counsel for Debtor

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NOTICE OF MOTION AND HEARING

The above Debtor has filed papers with the Court to request an order to Expedite the hearing and to Shorten the Notice Period with respect to his Motion to Sell Real Estate.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for a hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above, to:

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, VA 23219

You must also mail a copy to:

James E. Kane, Esquire
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, Virginia 23219

- Attend a hearing scheduled for **October 20, 2021 at 10:00 a.m. at U.S. Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond, VA 23219.** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

- **REMOTE HEARING INFORMATION:**

Due to the COVID-19 public health emergency, no in-person hearings are being held.

This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at www.vaeb.courts.gov, on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

***The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.

***** PLEASE NOTE: You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: October 18, 2021

RUTH LOIS BRILEY

By: /s/ James E. Kane
Counsel

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/s/ James E. Kane
Counsel for Debtor

Ballato Law Firm
3721 Westerre Parkway
Suite A
Henrico, VA 23233

City of Richmond
Office of Finance- delinq. tax
900 E. Broad St., Room 109
Richmond, VA 23219

City of Richmond
Real Estate
P.O. Box 85005
Richmond, VA 23285

Midland Funding
Attn: Bankruptcy
Po Box 939069
San Diego, CA 92193

Portfolio Recovery
Po Box 41067
Norfolk, VA 23541

Receivable Management Inc
7206 Hull Rd
Ste 211
Richmond, VA 23235

Regional Acceptance Co
10051 Midlothian Tpke
North Chesterfield, VA 23235

TACS
P O Box 31800
Henrico, VA 23294

Visa Dept Store National Bank/Macy's
Attn: Bankruptcy
Po Box 8053
Mason, OH 45040